



# 7 DAC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Applicant(s) : Rudeck et al.  
Serial No. : 10/072,015  
Filed : February 7, 2002  
Title : MODIFIED SOURCE/DRAIN RE-OXIDATION  
METHOD AND SYSTEM  
Docket : MIO 0053 VA  
Confirmation No. : 2571

Assistant Commissioner for Patents  
Box DAC  
Washington, DC 20231

CERTIFICATE OF MAILING  
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on November 4, 2002.

William A. Jividen

Reg. No. 42,695

Sir:

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47 (a)

Pursuant to the decision refusing status under 37 CFR 1.47 (a) mailed on August 13, 2002 with a response due date of October 13, 2002, please find enclosed a properly signed declaration in compliance with 37 CFR 1.63 identifying the application by the above Serial Number and Filing Date, and the return copy of the Decision. Please note that the inventor, Francis Benistant, did not update his address as requested in our letter to him. We were able to locate Mr. Benistant at 35640 Fremont Blvd #104, Fremont, CA 94536.

Also enclosed is a Check in the amount of \$110.00 as set forth in 37 CFR 1.36(a) for a one-month extension of time.

11/14/2002 TTRAN1 00000013 10072015

01 FC:1251

110.00 OP

Respectfully submitted,  
KILLWORTH, GOTTMAN, HAGAN  
& SCHAEFF, L.L.P.

By

William A. Jividen  
Registration No. 42,695

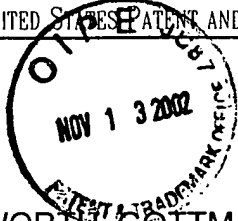
One Dayton Centre  
One South Main Street, Suite 500  
Dayton, Ohio 45402-2023  
Telephone: (937) 223-2050  
Facsimile: (937) 223-0724

WAJ/mjt  
Encls.

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AUG 19 2002

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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Paper No. 8

KILLWORTH, GOTTMAN, HAGAN & SCHAEFF, L.L.P.  
SUITE 500  
ONE DAYTON CENTRE  
DAYTON, OH 45402-2023

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AUG 13 2002

OFFICE OF PETITIONS

In re Application of  
Paul J. Rudeck et al.  
Application No. 10/072,015  
Filed: February 7, 2002  
Attorney Docket No. MIO 0053 VA

DECISION REFUSING STATUS  
UNDER 37 CFR 1.47(a)

This is in response to the request for reconsideration under 37 CFR 1.47(a), filed on July 8, 2002.

The petition is again dismissed.

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Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on February 7, 2002 without an executed oath or declaration and a petition to accord 37 CFR 1.47 in the absence of inventor Francis Benistant's signature.

The petition filed February 7, 2002 was dismissed in a decision mailed June 19, 2002.<sup>1</sup>

In response, on July 8, 2002, petitioner filed the present renewed petition under 37 CFR 1.47(a), with copies of a November 22, 2000 letter addressed to Mr. Benistant at his last known address, dispatching the application papers to him. Additional proof consists of a copy of the envelope, returned by the postal service with a notation that "no such address" exists and an indication that an Internet search for the inventor provided no additional information as to the whereabouts of Mr. Benistant.

We would reiterate that 37 CFR 1.47(a) requires a diligent effort be made to locate the non-signing inventor and maintain that petitioner has still not submitted sufficient evidence to prove that diligent efforts have been made to locate and obtain the

<sup>1</sup>Petitioner, *inter alia*, failed to submit sufficient evidence to prove that a copy of the application was sent or given to the non-signing inventor.

COPY

signature of the non-signing inventor.

Petitioners should verify the information provided concerning the last known address and resend the application packet to Mr. Benistant. We would suggest that the Internet databases used to locate Mr. Benistant are not the most reliable sources for locating an individual.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

By FAX: (703) 308-6916  
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23  
2201 S. Clark Place  
Arlington, VA

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703) 305-4497.



Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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DECLARATION

As a below named inventor, we hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; that

We verily believe we are the original, joint inventors of the invention entitled:

MODIFIED SOURCE/DRAIN RE-OXIDATION METHOD AND SYSTEM (MIO 0053  
PA; 98-0110), described and claimed

X in the attached specification;  
\_\_\_\_\_ in the specification filed \_\_\_\_\_, as U.S. Application Serial No. \_\_\_\_\_  
, and as amended \_\_\_\_\_.

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims as filed and as amended by any amendment referred to above.

We acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a).

We further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole or first Inventor: Paul J. Rudeck

Inventor's signature Paul J. Rudeck

Date: 11/15/2000

Residence: ~~3687 Gekeler Lane Apt #78~~  
~~Boise, ID 83706~~

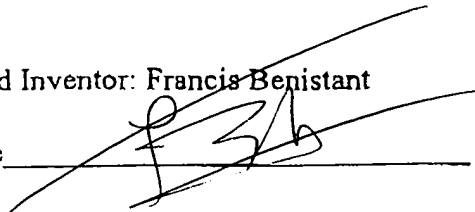
6169 South Settlement way  
Boise ID 83716

Citizenship: United States of America

Post Office Address: c/o

Micron Technology, Inc.  
8000 S. Federal Way  
Boise, ID 83706-9632

Full name of second Inventor: Francis Benistant

Inventor's signature 

Date: 10/01/12

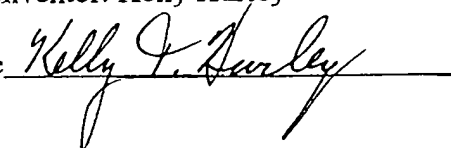
Residence: 3996 S. Federal Way Apt #C106  
Boise, ID 83705

Citizenship: French

Post Office Address: c/o

Micron Technology, Inc.  
8000 S. Federal Way  
Boise, ID 83706-9632

Full name of third Inventor: Kelly Hurley

Inventor's signature 

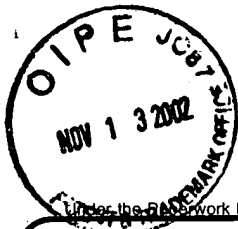
Date: 11/15/00

Residence: 3392 S. Ashbury Place  
Boise, ID 83706

Citizenship: United States of America

Post Office Address: c/o

Micron Technology, Inc.  
8000 S. Federal Way  
Boise, ID 83706-9632



PTO/SB/17 (11-01)  
Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 110.00

## Complete if Known

Application Number 10/072,015  
Filing Date February 7, 2002  
First Named Inventor Paul J. Rudeck  
Examiner Name  
Group Art Unit 2812  
Attorney Docket No. MIO 0053 VA

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## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number  
Deposit Account Name

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$ ) -0-

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Extra Claims Fee from below Fee Paid  
Total Claims -20\*\* = X =  
Independent Claims -3\*\* = X =  
Multiple Dependent =

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
103 18	203 9	Claims in excess of 20	
102 84	202 42	Independent claims in excess of 3	
104 280	204 140	Multiple dependent claim, if not paid	
109 84	209 42	** Reissue independent claims over original patent	
110 18	210 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ ) -0-

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	110.00
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 110.00

## SUBMITTED BY

Name (Print/Type) William A. Jividen

Signature

Registration No. 42,695  
(Attorney/Agent)

## Complete (if applicable)

Telephone (937) 223-2050

Date 11/4/02

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.